

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



3M COMPANY,  
Plaintiff,

v.

Case No. 1:11cv627

DIRECTI INTERNET SOLUTIONS  
PVT. LTD., d/b/a  
PUBLICDOMAINREGISTRY.COM  
d/b/a PRIVACYPROTECT.ORG, et al.,  
Defendants.

FINAL ORDER AND JUDGMENT AS TO DEFENDANT LUCA TONI A/K/A LUCA  
TONY

This matter is before the Court on the Magistrate Judge's Report and Recommendation regarding the motion for default judgment of plaintiff 3M Company ("3M"). *See 3M Co. v. Christian Investments LLC, et al.*, No. 1:11cv627 (E.D. Va. July 27, 2012) (Doc. 164) ("R&R"). In his Report and Recommendation, which was issued on July 12, 2012, the Magistrate Judge concluded 3M is entitled to a default judgment against Luca Toni a/k/a Luca Tony ("Luca Toni") who 3M alleges, *inter alia*, engaged in cybersquatting and trademark infringement. In particular, after concluding that personal jurisdiction may be exercised over this defendant and that venue is proper, the Magistrate Judge recommended entry of a default judgment that (i) enjoins the defendant from using the 3M trademark, (ii) directs defendant to transfer registration over the complained-of domain names to 3M, and (iii) awards statutory damages, reasonable attorney's fees, and costs.

In his Report and Recommendation, the Magistrate Judge advised the parties that any objections must be filed "within fourteen (14) days after being served with a copy of the proposed findings of fact and recommendations[.]" R&R at 23. *Accord* Rule 72(b)(2), Fed. R.

Civ. P. (providing that “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations”). Pursuant to the Magistrate Judge’s ruling, 3M served the Report and Recommendation on the defendant via United Parcel Service Overnight Delivery and United States Postal Service Express Delivery on July 12, 2012 and advised the Court that service had been so effected. (See Doc. 165). Accordingly, the time period during which this defendant was permitted to file a written objection was extended from fourteen to seventeen days after service by mail to a last known address. See Rule 6(d), Fed. R. Civ. P. Thus, this defendant had until July 29, 2012 to file objections to the Report and Recommendation. The defendant has not filed an objection on or before that date.

Based on an independent *de novo* review of the record, the Magistrate Judge’s findings of fact and conclusions of law as set forth in his Report and Recommendation are adopted in full.

For these reasons, and for good cause,

It is hereby **ORDERED** that the findings and conclusions of the Magistrate Judge’s Report and Recommendation (Doc. 164) are **ADOPTED**.

It is further **ORDERED** that 3M’s motion for default judgment (Doc. 157) is **GRANTED IN PART**, as to Luca Toni.<sup>1</sup>

It is further **ORDERED** that Luca Toni, along with his agents, servants, employees, attorneys, and other persons who are in active concert or participation with him who receive actual notice of this judgment, are **PERMANENTLY ENJOINED** from using the 3M trademark, as well as any other mark or name that includes 3M or any other mark confusingly similar to or diluting the 3M trademark.

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<sup>1</sup> 3M’s motion for default judgment (doc. 157) was granted as to Directi by separate order.

It is further **ORDERED** that the Clerk is **DIRECTED** to enter judgment pursuant to Rules 55 and 58, Fed. R. Civ. P., in favor of plaintiff 3M and against Luca Toni in the amount of \$6,000, plus reasonable attorney's fees and costs to be determined by the Court.

It is further **ORDERED** that Luca Toni is **DIRECTED** to take all necessary steps to have the registrations for the following domain names transferred to plaintiff: thai3m.net and thai3m.com. 3M may apply for further relief if these measures fail to result in the transfer of these domain names.

The Clerk is directed to send a copy of this Order and Judgment to all counsel of record.

Alexandria, Virginia  
November 13, 2012

  
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T. S. Ellis, III  
United States District Judge